GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Home Department – Disciplinary proceedings initiated against Sri Syed Khaja Hussain, HC 805, formerly at Traffic Police Station, Nellore – Acquittal from the Hon'ble Spl. Judge for SPE&ACB Cases, Nellore in CC No.5/2000 – Examined - Release of all retirement benefits –Orders – Issued.

HOME (SC.A) DEPARTMENT

G.O.Rt.No.501, **Dated.13/06/2022.**

Read the following:

1. From the Director General, ACB, AP, Lr.Rc.No.123/RCT-NNL/99, dt.27.09.1999.
2. G.O.Ms.No.48, Home (SC.A) Dept., dt.24.02.2000 .
3. Orders of the Hon'ble Spl. Judge for SPE&ACB Cases, Nellore dated 27.06.2005 in CC No.5/2000.
4. Govt. Memo No.1137/SC.A/A3/2004-2, Home(SC.A) Dept., dt.27.07.2006.
5. Orders of the Hon'ble High Court of AP dated 10.11.2020 in Criminal Appeal No.516 of 2007.
6. Representation of Sri Syed Khaja Hussain, C.1871 at CCS, Guntur Town (f) HC 805 of Traffic Police Station, Nellore, dt.22.02.2021.
7. From the DGP, AP, Mangalagiri, Lr.Rc.No.166/T4/ACB/2021, dt.06.07.2021 & 10.02.2022.

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ORDER:

Based on the recommendation of the Director General, Anti Corruption Bureau, AP in the reference 1st read above, Govt. have issued orders in the reference 2nd read above for prosecuting Sri Syed Khaja Hussain, HC 805, formerly at Traffic Police Station, Nellore in the Court of law in a trap case.

2. In the reference 3rd read above, the Hon'ble Spl. Judge for SPE&ACB Cases, Nellore has ordered that the Accused Officer is not found guilty under section 248(1) Cr.P.C. and he is acquitted for the charges under section 7,13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988.

3. In the reference 4th read above, Government have accorded permission to the ACB to file an Appeal in the High Court of A.P. Subsequently, the Bureau has filed Criminal Appeal (SR) No.15177/2006 on 09.08.2006 in the Hon'ble High Court of AP questioning the acquittal Judgement of the trial court in CC No.5/2000 against the A.O. Sri Syed Khaja Hussain, HC 805, Station Writer, Traffic Police Station, Nellore Town.

4. In the reference 5th read above, the Hon'ble High Court of AP has ordered that "in the result the appeal fails and it is accordingly dismissed, confirming the acquittal of the Respondent /Accused Officer for the offences punishable under section 7, 13(1)(d) read with 13(2) of the prevention of Corruption Act, 1988, passed in C.C.No.5 of 2000, on the file of the Additional Special Judge for SPE& ACB Cases, Nellore, on 27.06.2005.

5. In the reference 6th read above, the Accused Officer Sri Syed Khaja Hussain, Retired HC-1871 at CCS, Guntur Town formerly worked as Head Constable- 805 of Traffic Police Station, Nellore district has requested the Govt. to consider his case in view of the above Judgements and to sanction his pensionery benefits by adding his wife as nominee, with all consequences benefits i.e., continuation of services, pay fixations, gratuity, release of back wages, increments and promotion and paid to him at an earliest date.

(P.T.O.)

6. Government after careful examination of the matter, hereby directed to release all retirement benefits which are due, **to** Sri Syed Khaja Hussain, (f) HC-805 of Traffic Police Station, Nellore(retired), as he was acquitted from ACB trial Court in C.C.No.5/2000, dated 27.06.2005 and also the Criminal Appeal No.516 of 2007 filed by ACB was dismissed on 10.11.2020 by the Hon'ble High Court of AP, besides treating the suspension period from 10.07.1999 to 18.03.2002 as "Not on duty" under FR 54 (5).

7. The Director General of Police, AP, Mangalagiri shall take necessary action accordingly.

8. This order issues with the concurrence of Finance (HR) Department vide their U.O. No. FIN-01-HR/65/2022-HR-IV, Computer No: 1686853, dt.13-04-2022.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

HARISH KUMAR GUPTA,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Director General of Police, AP, Mangalagiri.
Sri Syed Khaja Hussain, (f) HC 805 of Traffic Police Station, Nellore(retired)
through Director General of Police, AP, Mangalagiri.

Copy to:
The Finance(HR-IV) Department.
The Director General, ACB, Vijayawada.
The Commissioner, APVC, AP Secretariat, Velagapudi.
SF/SC.

//FORWARDED :: BY ORDER//

K. Padmavathi
SECTION OFFICER(SC)